1820, to which at June term, 1820, the Sheriff returned, that he had laid the same on a tract, &c., which remained in his hands, &e. On the 15th May 1832, the plaintiff issued a *scire facias* against the heirs at law and terre-tenants of *the defendant, to which one of the latter pleaded **147** limitations, and the plaintiff replied the writ of *fi. fa.* It was insisted that the twelve years ran from the return of the execution, but the Court, observing that more than eleven years had elapsed between the return of the execution and the *scire facias*, and that no continuances had been entered on the record, nor any steps taken during that period by the plaintiff to assert his rights, held that the enactment of the Statute of Limitations was positive and peremptory, notwithstanding the issue of an execution might be a legal demand of the claim, and the twelve years therefore ran from the period when the judgment became legally efficient and operative so as to entitle the party to legal process to enforce it, and not from the return of an execution issued thereon.[11] The same case set-

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it returned and continuances entered, connecting it with the effective writ; *contra*, if there is a total suspension of final process upon the judgment within said time and no continuances are entered. Plaintiff may also keep his judgment alive by issuing within the twelve years execution "to lie," and renewing same from term to term, though never delivering it to the sheriff. Mitchell v. Chesnut, 31 Md. 521; Hagerstown Bank v. Thomas, 35 Md. 511; Johnson v. Hines, 61 Md. 122.

[11] Johnson v. Hines, 61 Md. 122; Mitchell v. Chesnut, 31 Md. 521. Under our statute of limitations, Code 1911, Art. 57, sec. 3, the lapse of more than twelve years is a bar to the judgment. The statute is not suspended by the death of the judgment creditor and the failure to obtain administration on his estate, or by the passage of laws staying execution; nor does an acknowledgment of the debt due on the judgment remove the bar of the statute. Brooks v. Preston, 106 Md. 693; Kirkland v. Krebs, 34 Md. 93.

The statute, however, must be specially pleaded. Jones v. George, 80 Md. 294. In this case seventeen years after a judgment had been rendered in one county and after the defendant had removed from that county, a *scire facias* was issued to revive the judgment and after two returns of *nihil*, a judgment of *fiat* was rendered. On this judgment a *fi. fa.* was issued to the county of defendant's residence. Defendant had no notice of the *scire facias* until after execution was issued. He then moved to quash the *fi. fa. Held*, that he was entitled to an opportunity of pleading limitations to the *scire facias*, that the execution should not be quashed but proceedings on it should be suspended for a reasonable time so as to allow him to move in the original case to strike out the judgment of *fiat* and for leave to plead to the *scire facias*. See also Starr v. Heckart, 32 Md. 267.

In Weaver v. Boggs, 38 Md. 255, it was held that suit could not be maintained in Maryland on the judgment of a court of another state rendered on returns of *nihil* to two successive writs of *scire facias* issued to revive a judgment in the foreign court of over twenty years standing, when the defendant had for more than twenty years before the issuing of the writs resided in Maryland and had no notice of such writs.

As to form of a plea of limitations to a *scire facias*, see Brooks v. Preston, 106 Md. 693.